

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant's application of:  
**James H. Kukula, et al.**  
Application No. 10/046,220  
Filed: January 16, 2002  
For: **METHOD AND APPARATUS FOR  
FORMALLY CONSTRAINING  
RANDOM SIMULATION**

Art Unit: 2185  
Examiner: TBA  
Confirmation No. 4032  
Attorney Docket: 06816.0036.NPUS01

**Petition In Response To Notice of Omitted Items  
To Obtain Original Filing Date For Drawing Sheet "Figure 5E"**

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTN: *R. Kelley*  
Adjustment date: 07/16/2002  
05/24/2002 AWONDAF1 00000161 10046220  
Ref#:122 Ref: 07/16/2002 AKELLEY 00000161 10046220  
DAH:083038 Name/Number:10046220  
FC: 704 \$130.00 CR

Applicants respectfully submit the present Petition under 37 CFR 1.53(e)(2), along with a fee as specified by 37 CFR 1.17(h), and have directed the present petition to the Assistant Commissioner as specified by MPEP Section 1002.02(b).

Applicants received a Notice To File Missing Parts of Nonprovisional Application dated 02/28/02 which was combined with a Notice of Omitted Items. A copy of the Notice To File Missing Parts of Nonprovisional Application is attached.

The Notice of Omitted Items states that Figure 5E was omitted from the above-referenced Application, filed Jan. 16, 2002 and receiving Application No. 10/046,220.

Applicants respectfully assert that Figure 5E, a copy of which is herein attached, was in fact deposited along with the other Application papers filed on Jan. 16, 2002.

Applicants attach a copy of the date-stamped postcard receipt, dated Jan. 16, 2002, that specifically itemizes the papers deposited. With regard to the drawings deposited, the postcard receipt itemizes each drawing sheet, including the drawing sheet for Figure 5E.

Due to its being combined with the Notice To File Missing Parts of Nonprovisional Application, Applicants initially failed to notice the Notice of Omitted Items. Upon discovery of the Notice of Omitted Items, Applicants have acted as expeditiously as possible in filing the present Petition.

For the reasons stated herein, Applicants respectfully request their Petition be granted.

05/24/2002 AWONDAF1 00000161 10046220

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OFFICE OF PETITIONS

Assistant Commissioner for Patents

May 23, 2002

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It is respectfully requested that the attached postcard be stamped with the date of filing of this document, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number **06816.0036.NPUS01**. *A duplicate copy of this Response is enclosed.*

Respectfully submitted,



Jonathan T. Kaplan  
Registration No. 38,935

Date: May 23, 2002

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